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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,266	01/20/2006	Kwok Hung Wong	WEN 257NP	7103
23995	7590	06/21/2007		
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			EXAMINER BLAKE, CAROLYN T	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,266	<b>Applicant(s)</b> WONG, KWOK HUNG	
	<b>Examiner</b> Carolyn T. Blake	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because of the following:
  - The reference arrows should point toward the feature and not toward the number (i.e. the arrows should be reversed).
  - It is unclear how the assembly shown in FIG 3 connects to the entire ladle assembly. Additional drawing views are required.
  - It is unclear how the flipping of the strainer ladle, as shown in FIG 6, occurs. Additional drawing views are required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. There are numerous defects in the specification that appear to result from a literal translation to English. Applicant should carefully proofread the specification in its entirety, specifically checking for errors regarding grammar and word usage.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the Applicant regards as his invention.

4. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The claims are replete with vague and indefinite language. The following are only examples of this language. All claims should be carefully proofread and corrected in order to conform to this section.

Regarding claim 1, the limitation, "at the time of the strainer ladle being separated from the ladle body turnover of the strainer ladle is made by hand" (lines 6-8) is unclear.

Claim 4 recites the limitation "the rod member" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 4, it is unclear what the term "screw base" (lines 2-3) encompasses. Does Applicant mean a screw boss?

Regarding claim 5, the limitation, "are in other shape being connectable to the handle" (line 2) is unclear.

Claim 7 recites the limitation "the elastic device" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the rod member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 10, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 11 recites the limitation "the rod member" in 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 14, the limitation, "are in other shape being connectable to the handle" (line 2) is unclear.

Regarding claim 15, the limitation, "are in other shape being connectable to the handle" (line 2) is unclear.

Regarding claim 16, the limitation, "are in other shape being connectable to the handle" (line 2) is unclear.

There are numerous defects in the claims that appear to result from a literal translation to English. Applicant should carefully proofread the claims in their entirety, specifically checking for errors regarding grammar and word usage.

Below, the art rejections are based on the claims as best understood.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the Applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the Applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4-7, 11, 14, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho (2005/0081385).

Ho discloses a multifunctional ladle as claimed, comprising: a handle (13); a ladle body (11); a strainer ladle (23); a controlling device (such as comprising trigger 24); wherein at the time of the strainer ladle being separated from the ladle body turnover of the strainer ladle is made by hand (since a user could manually flip the entire device). Component 23 can be considered a "strainer ladle" as claimed because it allows or prevents straining through outlet 12.

7. Claims 1, 3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfaff (1,010,795).

Pfaff discloses a multifunctional ladle as claimed, comprising: a handle (2/3); a ladle body (1); a strainer ladle (5); a controlling device (such as comprising lever 16); wherein at the time of the strainer ladle being separated from the ladle body turnover of the strainer ladle is made by hand (since a user could manually flip the entire device).

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Component 5 can be considered a "strainer ladle" as claimed because it allows or prevents straining by opening the ladle body.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Royer (1,334,169).

Royer discloses a multifunctional ladle as claimed, comprising: a handle (4/6); a ladle body (7); a strainer ladle (12); a controlling device (such as comprising grip 20); wherein at the time of the strainer ladle being separated from the ladle body turnover of the strainer ladle is made by hand (since a user could manually flip the entire device).

9. Claims 1, 2, 4-6, 8, 11, 14, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kramer et al (1,759,512).

Kramer et al disclose a multifunctional ladle as claimed, comprising: a handle (2); a ladle body (1); a strainer ladle (8); a controlling device (such as comprising handle 11); wherein at the time of the strainer ladle being separated from the ladle body turnover of the strainer ladle is made by hand (since a user could manually flip the entire device). Component 8 can be considered a "strainer ladle" as claimed because it allows or prevents straining through openings 5/6.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho as applied to claim 1 above, and further in view of Canfield (2,522,343).

Ho discloses a multifunctional ladle substantially as claimed, but fails to expressly disclose the material of the device. Canfield discloses a multifunctional ladle wherein the device is manufactured from aluminum or plastic. Both aluminum and plastic are relatively inexpensive, lightweight, and easy to form/manufacture. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the Ho ladle from aluminum or plastic since both materials are inexpensive, lightweight, and easy to form/manufacture.

In addition, to select a well known material such as aluminum or plastic for the Ho device would have been obvious to one of ordinary skill in the art since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

12. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfaff as applied to claims 1 and 3 above, and further in view of Canfield (2,522,343).

Pfaff discloses a multifunctional ladle substantially as claimed, but fails to expressly disclose the material of the device. Canfield discloses a multifunctional ladle wherein the device is manufactured from aluminum or plastic. Both aluminum and plastic are relatively inexpensive, lightweight, and easy to form/manufacture. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention



was made to manufacture the Pfaff ladle from aluminum or plastic since both materials are inexpensive, lightweight, and easy to form/manufacture.

In addition, to select a well known material such as aluminum or plastic for the Pfaff device would have been obvious to one of ordinary skill in the art since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Royer as applied to claim 1 above, and further in view of Canfield (2,522,343).

Royer discloses a multifunctional ladle substantially as claimed, but fails to expressly disclose the material of the device. Canfield discloses a multifunctional ladle wherein the device is manufactured from aluminum or plastic. Both aluminum and plastic are relatively inexpensive, lightweight, and easy to form/manufacture. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the Royer ladle from aluminum or plastic since both materials are inexpensive, lightweight, and easy to form/manufacture.

In addition, to select a well known material such as aluminum or plastic for the Royer device would have been obvious to one of ordinary skill in the art since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

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14. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer et al as applied to claim 1 above, and further in view of Canfield (2,522,343).

Kramer et al disclose a multifunctional ladle substantially as claimed, but fail to expressly disclose the material of the device. Canfield discloses a multifunctional ladle wherein the device is manufactured from aluminum or plastic. Both aluminum and plastic are relatively inexpensive, lightweight, and easy to form/manufacture. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the Kramer et al ladle from aluminum or plastic since both materials are inexpensive, lightweight, and easy to form/manufacture.

In addition, to select a well known material such as aluminum or plastic for the Kramer et al device would have been obvious to one of ordinary skill in the art since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rhyne (1,474,443) and Hong (3,822,020) are cited for disclosing multifunctional ladles.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Thursday, 7:00 AM to 5:30 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

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June 14, 2007

  
BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER